

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	Case No. 1:17-cr-00224-AT-CMS
)	
ALLEN J. PENDERGRASS,)	
Defendant.)	

**DEFENDANT’S UNOPPOSED MOTION TO EXTEND DEADLINE TO
SUPPLEMENT MOTION TO DISMISS (DOC. 90)**

COMES NOW ALLEN PENDERGRASS, by and through his counsel of record, and hereby files this motion to extend the deadline to supplement his motion to dismiss (doc. 90) by 30 days. In support whereof, he shows the following:

On January 29, 2019, Mr. Pendergrass filed a motion to dismiss the indictment based on pre-indictment delay. Doc. 90. On October 10, 2019, the Court set a deadline to supplement the motion for November 15, 2019. At the status conference on this matter, defense counsel noted that she had filed requests for subpoenas to be issued to both the Fulton County District Attorney’s Office and the Atlanta Police Department. Counsel noted that items responsive to the subpoenas might be relevant to the supplemental motion.

The court granted the request for the subpoenas and counsel mailed them via certified mail on October 15, 2019. Both subpoenas had a return date of October

30th. All documents were to be returned to the court. Both subpoenas were received. Counsel has been in contact with the lawyers from both entities who are in charge of subpoena compliance. Counsel for the APD has assured counsel that responsive documents will be returned to the Court by December 2, 2019. The attorney for the Fulton County District Attorney's office has stated that it may take as long as 3 months to retrieve Mr. Pendergrass' file from the district attorney's archives, but they are attempting to expedite the process.

Because counsel believes that items contained in the subpoena responses may be relevant to the supplement to the motion, she is asking for an additional 30 days in which to file the supplement. In making this request, counsel is taking the district attorney's office at its word that the process is being expedited.

Counsel emailed Assistant United States Attorney Jeff Brown, counsel for the government in this case, who has no objection to this request.

Counsel requests that the time between the filing of this motion and the new deadline for filing the supplement be excluded under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7) because the ends of justice in permitting this continuance outweigh the Defendants' and the public's interest in a speedy trial.

Respectfully submitted this 13th day of November 2019.

s/Saraliene S. Durrett
SARALIENE S. DURRETT

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date electronically filed the foregoing motion to continue with the Clerk of the Court using the CM/ECF system which will automatically send email notification of such filing to the following attorney(s) of record:

All Defense Counsel

All AUSAs of record

Respectfully submitted this 13th day of November 2019.

Respectfully submitted,

s/Saraliene S. Durrett
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